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**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

FELTON A. SPEARS, JR. and
SIDNEY SCHOLL, on behalf of themselves
and all others similarly situated,

Plaintiffs,

VS.

FIRST AMERICAN EAPPRAISEIT
(a/k/a eAppraiseIT, LLC),
a Delaware limited liability company,

Defendant.

Case No. 5-08-CV-00868 (RMW)

**AMENDED [PROPOSED] OMNIBUS
ORDER ON PLAINTIFF'S MOTIONS *IN
LIMINE***

Honorable Ronald M. Whyte

1 After reviewing the papers submitted, and considering the arguments of counsel, and good
2 cause appearing therefore, IT IS HEREBY ORDERED that Plaintiff's motions *in limine* are hereby
3 adjudicated as follows:

4 **Plaintiff's Motion *in Limine* No. 1 – Motion to Strike Opinions of Paul E. Chandler:**

5 GRANTED _____ DENIED _____

6 GRANTED IN PART AND DENIED IN PART:

7 _____
8 _____

9
10 **Plaintiff's Motion *in Limine* No. 2 – Motion to Disqualify Steven Albert From Testifying**
11 **as an Expert on the Standards Applicable to EA's Provision of Appraisals to WMB and**
12 **Whether EA Met Those Standards:**

13 GRANTED _____ DENIED _____

14 GRANTED IN PART AND DENIED IN PART:

15 _____
16 _____

17
18 **Plaintiff's Motion *in Limine* No. 3 – Motion to Strike Unsupported Expert Opinions by**
19 **Dr. Christopher James:**

20 GRANTED _____ DENIED _____

21 GRANTED IN PART AND DENIED IN PART:

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**Plaintiff’s Motion *in Limine* No. 4 – Motion to Exclude Evidence and Testimony
Regarding “Value Cuts” Associated with Washington Mutual Bank Wholesale Loans:**

GRANTED _____ DENIED _____

GRANTED IN PART AND DENIED IN PART:

**Plaintiff’s Motion *in Limine* No. 5 – Motion to Exclude Evidence and Testimony
Regarding the Failure to Show That Any Individual Property’s Appraised Value Was
Inflated:**

GRANTED _____ DENIED _____

GRANTED IN PART AND DENIED IN PART:

**Plaintiff’s Motion *in Limine* No. 6 – Motion to Preclude Argument That Borrowers Did
Not Rely on Appraisals in Obtaining Their Loans:**

GRANTED _____ DENIED _____

GRANTED IN PART AND DENIED IN PART:

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Plaintiff’s Motion *in Limine* No. 7 - Motion *in Limine* to Exclude Evidence, Testimony and Argument Pertaining to the Securitization of Class Member’s or Plaintiffs’ Individual Loans:

GRANTED _____ DENIED _____

GRANTED IN PART AND DENIED IN PART:

Plaintiff’s Motion *in Limine* No. 8 – Motion to Preclude Defendant from Presenting Argument, Testimony or Evidence That: (1) EA Did Not Intend to Violate RESPA or Inflate Appraisals; (2) Plaintiff Needs to Prove A Conspiracy:

GRANTED _____ DENIED _____

GRANTED IN PART AND DENIED IN PART:

Plaintiff’s Motion *in Limine* No. 9 – Motion to Preclude Defendant from Introducing Speculative Evidence, Testimony and Argument to the Effect That Credits Listed in the HUD-1 Settlement Statements Are Credits for Appraisal Fees Paid by Plaintiff and Class Members Unless the HUD-1 Form Specifically Links the Credit to the Appraisal Fee:

GRANTED _____ DENIED _____

GRANTED IN PART AND DENIED IN PART:

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Plaintiff’s Motion *in Limine* No. 10 – Motion to Preclude Defendant from Introducing Speculative and Irrelevant Evidence, Testimony and Argument that the Federal Deposit Insurance Corporation, JPMorgan Chase & Company, Lender’s Services, Inc., or Another Third Party Is Responsible for the Unlawful Agreement and Conduct Between Defendant and Washington Mutual Bank, F.A.:

GRANTED _____ DENIED _____

GRANTED IN PART AND DENIED IN PART:

Plaintiff’s Motion *in Limine* No. 11 – Motion to Preclude Evidence and Testimony Regarding OTS Approval of the Preferred Appraiser List or Referral Process:

GRANTED _____ DENIED _____

GRANTED IN PART AND DENIED IN PART:

Plaintiff’s Motion *in Limine* No. 12 – Motion to Preclude Defendant from Introducing Irrelevant Evidence, Testimony and Argument That the Appraisal Outsourcing Services Agreement Was the Sole Agreement Between It and WMB:

GRANTED _____ DENIED _____

GRANTED IN PART AND DENIED IN PART:

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**Plaintiff’s Motion *in Limine* No. 13 – Motion to Exclude Evidence and Testimony
Regarding any Individual Appraiser’s Intention to Inflate Appraisals:**

GRANTED _____ DENIED _____

GRANTED IN PART AND DENIED IN PART:

**Plaintiff’s Motion *in Limine* No. 14 – Motion to Exclude Evidence and Testimony
Regarding Deflated Appraisals:**

GRANTED _____ DENIED _____

GRANTED IN PART AND DENIED IN PART:

**Plaintiff’s Motion *in Limine* No. 15 – Motion Admit Defendant’s Statements in *FDIC*
Action Regarding Its Agreement With Washington Mutual as Binding Judicial
Admissions:**

GRANTED _____ DENIED _____

GRANTED IN PART AND DENIED IN PART:

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Plaintiff’s Motion *in Limine* No. 16 – Motion to Exclude Evidence, Testimony and Argument Pertaining to Industry-Wide Practices in the Banking Community in 2006-2007:

GRANTED _____ DENIED _____

GRANTED IN PART AND DENIED IN PART:

Plaintiff’s Motion *in Limine* No. 17 – Motion to Exclude Evidence and Testimony Regarding Whether Appraisals Are Sincerely Held Opinions:

GRANTED _____ DENIED _____

GRANTED IN PART AND DENIED IN PART:

Plaintiff’s Motion *in Limine* No. 18 – Motion to Exclude Defendant's Witnesses from the Courtroom:

GRANTED _____ DENIED _____

GRANTED IN PART AND DENIED IN PART:

IT IS SO ORDERED:

DATED: _____, 2014

The Honorable Ronald M. Whyte
United States District Judge